IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 309 OF 2006

Shankar Appa Desai ..Appellant

versus

Dhondiba @ Dondiram Gopal & Ors. ..Respondents

Mr. S. L. Kapse for the Appellant.

Mr. M. R. Suryawanshi for the Respondents.

CORAM : D.B. BHOSALE, J.
DATE : 18TH JULY, 2007.

P.C.

1. Heard learned counsel for the parties.

2. This Second Appeal is directed against concurrent findings of the facts recorded by the Courts below by which a suit filed by the Respondents - Plaintiffs has been decreed. The suit was filed for partition and separate possession of the Plaintiffs share in the joint family property. After having considered the entire evidence on record, the Courts below have concurrently held that the suit property is ancestral property of the Plaintiff and Defendant No.1 and that the Plaintiff

is entitled for partition and separate possession of his share. Contention of the Defendant that there was a partition between him and the Plaintiff has been negatived by the Courts below. In so far as the case set out by the Appellant - Defendant No.2 that he had purchased the suit land - Revenue Survey No. 80/11 to the extent of 1 Acre from the Plaintiff and the Defendant No.1 for Rs.4,000/- under Registered Sale Deed has also been negatived by the Courts below.

3. Considering the findings of facts recorded by the Courts below and as I find sufficient material on record to sustain those findings and considering that no substantial question of law is either involved or raised in this Appeal, no interference is called for by this Court. The Second Appeal is dismissed.

(D. B. BHOSALE, J.)